

REMARKS/ARGUMENTS

MPEP 707.02 - Request for Supervisory Review

This application, in being up for its third or later action, is desired of its prosecution to be concluded. Applicant is requesting review of this application by a supervisory examiner, in accordance with the guidelines set forth in MPEP 707.02.

Request for Withdrawal of Finality

Applicant respectfully submits that the finality of the instant action is improper.

The Examiner states in the instant action that applicant's amendments necessitated the new grounds of rejection presented in the instant office action, and accordingly, the instant office action is final. This is incorrect.

The new grounds of rejection presented in the instant office action were necessitated by the Examiner's error in the issuing of the previous office action dated October 30, 2008.

As noted in Applicant's response of January 13, 2009, the rejections presented in the office action dated October 30, 2008 were improper in view of the Panel's Decision from the Pre-Appeal Brief. The office action of October 30, 2008 reiterated rejections which were overturned by the Pre-Appeal Brief Review Panel. The office action of October 30, 2008 was hence at least in part defective.

Accordingly, the instant office action is merely a correction of the defect present in the office action of October 30, 2008. It follows that the instant office action cannot properly be final.

Withdrawal of the finality of the instant action is respectfully requested.

35 USC §103(a)

Independent claim 5 is newly rejected over the combination of Cowger (US 5,565,900) in view of Silverbrook (US 6,443,555). This rejection is respectfully traversed.

In rejecting claim 5, the Examiner contends that since Cowger allegedly describes a print assembly that is of a unitary structure, removal and replacement of the body by an end user

would simultaneously remove and replace the printing fluid storage, the pagewidth printhead, and the fluid connection. Applicant disagrees.

Applicant notes that Cowger fails to even teach or suggest that the pen 20, and its rigid body 24, can be inserted and removed by an end user to/from a complementary cradle. There is no suggestion whatsoever that the pen 20 of Cowger is removable by an end user, and further configured to be removably inserted in a complementary cradle.

It is submitted that the Examiner's assertion that removal of the pen 20 of Cowger would simultaneously remove the printing fluid storage, the pagewidth printhead, and the fluid connection, is moot because Cowger does not even teach or suggest that the pen 20 is removable by an end user. Any analysis of whether end user removal of the pen 20 would also result in simultaneous removal of the above mentioned sub-components is hence mere speculation, and insufficient to prejudice the novelty and inventiveness of the claimed invention.

Moreover, claim 1 explicitly recites that the printer cartridge comprises a body configured to facilitate insertion and removal of the printer cartridge by an end user of the printer cartridge to and from a complementary cradle in an inkjet printer. Cowger fails to teach or suggest a body so claimed.

It is noted, for example, that the rigid body 24 of Cowger is not described as configured to facilitate insertion and removal of the printer cartridge by an end user from a complementary cradle in an inkjet printer. Cowger appears completely silent as to how the rigid body 24 is coupled to the printer, and in particular silent as to a cradle arrangement.

For the reasons as presented above, Applicant maintains that claim 5 and the claims dependent therefrom are novel and inventive.

MPEP 904.03 - Guidelines for Search

The Examiner is reminded of the guidelines for conducting a search as set forth in MPEP 904.03. Applicant notes in particular that:

“It is a prerequisite to a speedy and just determination of the issues involved in the examination of an application that a careful and comprehensive search, commensurate with the limitations appearing in the most detailed claims in the case, be made in preparing the first action on the merits so that the second action on the merits can be made final or the application allowed with no further searching other than to update the original search. It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment.”

Favorable reconsideration of the application in light of the above remarks is respectfully requested. Applicant looks forward to word of further official communication in due course.

Very respectfully,

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